

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

MICHAEL JAMES CRAIG,)
)
Plaintiff,)
)
v.) 2:14-cv-00503-LSC-JEO
)
ALABAMA DEPARTMENT)
OF CORRECTIONS, et. al.,)
)
Defendants.)

ORDER

Plaintiff filed a Motion for Preliminary Declaratory Judgment, in which he requested preliminary injunctive relief. (Doc. 3). The magistrate judge entered a report and recommendation on July 7, 2014, recommending that injunctive relief be denied. (Doc. 11 at 10). Further, to the extent the motion could “be interpreted as a request to amend the complaint to add claims against W.E. Donaldson Correctional Facility employees Warden Hicks, Warden Specks, Sgt. Trenton, COI Charles Willis and Classification Officer Bonner,” the magistrate judge recommended the amendment be granted. (*Id.* at 10-11).

The plaintiff filed objections to the report and recommendation on July 21, 2014. (Doc. 12). On July 23, 2014, the plaintiff filed a Motion to Amend his complaint. (Doc. 13). In his objections, the plaintiff “does not disagree” with the recommendation that the above ADOC employees at W.E. Donaldson be named as defendants. (Doc. 12 at 1-2). In his motion to amend, the plaintiff asserts that Warden Hicks is now retired, and names W.E. Donaldson employees Warden Cheryl Price, Warden Angela Miree and Classification Specialist Ms. Stinson as additional defendants. (Doc. 13

at 2). He further seeks to add Regional Coordinator Grant Culliver and Mrs. Gholstein, Head of the Central Review Board, as defendants. (*Id.* at 11). Plaintiff's allegations against these proposed defendants generally mirror the plaintiff's claims as described in the magistrate judge's report and recommendation. (*Id.* at 1-18).

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the Court is of the opinion that the magistrate judge's report is due to be and is hereby **ADOPTED** and the recommendations are **ACCEPTED**. Although plaintiff now alleges that he is no longer in segregation at W.E. Donaldson Correctional Facility, as he was at the time the magistrate judge entered the report and recommendation, he also admits that in response to his safety concerns, Warden Specks, Warden Miree, and Classification Specialists Bonner and Stinson have continuously afforded him a choice to be housed in an isolation cell or return to general population. (Doc. 13 at 8). Despite the open opportunity to secure his own safety while this lawsuit is pending, it appears plaintiff has chosen to be housed in general population. Accordingly, to the extent plaintiff's Motion for Preliminary Declaratory Judgment requests preliminary injunctive relief, it is **DENIED**.

To the extent the Motion For Preliminary Declaratory Judgment can be construed to add W.E. Donaldson Correctional Facility employees Warden Hicks, Warden Specks, Sgt. Trenton, COI Charles Willis and Classification Officer Bonner as defendants, it is **GRANTED**. Moreover, plaintiff's Motion to Amend is **GRANTED**, and W.E. Donaldson employees Warden Cheryl Price, Warden Angela Miree and Classification Specialist Ms. Stinson, as well as Regional Coordinator Grant Culliver and Mrs. Gholstein, Head of the Central Review Board, are added as defendants. No further amendments shall be allowed.

The Clerk is **DIRECTED** to **TERM** documents 3 and 13, and add the above-named individuals as defendants.

The Clerk is **FURTHER DIRECTED** to send a copy of this Order to plaintiff and counsel for the defendants.

Done this 14th day of August 2014.



L. Scott Cogdler
United States District Judge
[160704]